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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,238

01/25/2005

Olvier Guerret

ATOCM-0352

1632

23599 7590 01/14/2008
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EXAMINER

MESH, GENNADIY

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

01/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/522,238

Applicant(s)

GUERRET ET AL.

Examiner

Gennadiy Mesh

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 19-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's Amendment filed on December 7, 2007 is acknowledged.

Rejection is maintained as it was set forth in previous Office action mailed on June 07, 2007.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claim 1-11 are rejected under 35 U.S.C. 102(b) as being anticipate by Klaerner et al.(US 2002/0010267).

Regarding Claim 1-5 Klaerner discloses emulsion comprising Block-copolymers, useful for wide variety of applications, including adhesives and binders (see [0100]), wherein block –copolymer comprising at least first and second segments of monomer units(abstract, [0013] and [0014]) and can have hydrophobic/hydrophilic (amphiphilic) blocks(see [0091]). Klaerner discloses that each segment can have Molecular weight in range from about 25000 to greater than 100000 – see [0013] and [0014], polydispersity less than 2.0 and particles size in a range from 20 nm to about 300 nm.

Regarding structure of block copolymers disclosed by Klaerner –see [0084],[0085] and [0086]).

Regarding Claims 8-11 Klaerner further discloses that first segment can comprise monomer units as substituted acrylates, including butyl and hexyl acrylates- see [0035], and second segment can comprise acrylic acid or dialkylacrylamide, including

dimethylacrylamide (see [0014]) ,[0070] and [0083]) and each segment can be present in 50 wt% or less amount (see Example 8 and 10).

Regarding limitations of Claims 6 and 7: as substantially same, segments of block copolymer(same monomers and same Molecular weight) will inherently have same properties, including glass transition (Tg) temperature.

Same applicable for limitations of Claims 1-4 related to water absorption capacity of the segments: as substantially same segments disclosed by Klaerner will inherently have same water absorption properties.

Response to Arguments

2. Applicant's arguments filed December 7,2007 have been fully considered but they are not persuasive.

2.1. Restriction Requirement is maintained and was made Final in previous Office action mailed on June 7,2007, wherein detailed explanation and reasons for Restriction were given based on MPEP – see Revision 5 [Rev.5] (August 2006) for Chapter 1800 pp.1-210 and Section 1850 in particular.

2.2. Applicant's arguments related to Claim 1-11 rejected under 35 U.S.C. 102(b) as being anticipate by Klaerner et al.(US 2002/0010267) are not persuasive for following reasons:

a) arguments based on statement that reference discloses variety of polymers that could constitute each block and is not specific about presence at least one hydrophobic block and one hydrophilic block in block copolymer.

However, as it was explained in rejection above (see paragraph 1) and restated herein: block –copolymer comprising at least first and second segments of monomer units(abstract, [0013] and [0014]) and can have **hydrophobic/hydrophilic (amphiphilic) blocks(see [0091])**.

b) Subject matter claimed by Applicant in Claims 1-7 is not specific to any particular polymers (monomers) in block – copolymer, but rather wide open to variety compounds.

c) Rigidity and flexibility as relative terms could not provide sufficient basis for specificity.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gennadiy Mesh whose telephone number is (571) 272 2901. The examiner can normally be reached on 10 a.m - 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272 1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gennadiy Mesh
Examiner
Art Unit 1796

GM

/Vasu Jagannathan/
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